

REMARKS

Claims 1-5, 10-15, 17, and 19-22 were pending. Claim 17 has been cancelled. Claims 23-32 have been added. Claims 14 and 15 have been amended. Therefore, claims 1-5, 10-15, and 19-32 will be pending upon entry of this amendment.

No new matter has been added. Support for the amendments to claim 14 and new claims 22-32 can be found, for example, at least at page 43, Table 3 of the specification as originally filed. Claim 15 have been amended to clarify the invention.

Amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The amendments to and/or cancellation of the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

Rejection of Claims 14, 15, 17 and 19 under 35 U.S.C. § 112, first paragraph

Claims 14, 15, 17 and 19 are rejected under 35 U.S.C. § 112, first paragraph. The Examiner alleges that the "specification, while being enabling for a method of treating a proliferative disorder of the type disclosed in Table 3 does not reasonably provide enablement for a method of treating proliferative disorders generally. Claim 17 has been cancelled, thus rendering its rejection moot.

Applicants respectfully disagree with the Examiner's assessment that the specification does not reasonably provide enablement for treatment of the proliferative disorders claimed in the present application, other than disorders of the type disclosed in Table 3. However, in the interests of expediency, claim 14 has been amended such that it is now directed to methods of treating proliferative disorders of the types listed in Table 3. Claims 15 and 19 are dependent claims and contain all of the limitations of claim 14.

Therefore, Applicants respectfully request that this rejection of claims 14, 15 and 19 under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejection of Claims 1-17 and 19-22 under Judicially Created Doctrine of Obviousness Type Double Patenting

Claims 1-17 and 19-22 are rejected on the grounds of obviousness type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,531,479. In particular, the Examiner is of the opinion that "[a]lthough the conflicting claims are not

identical, they are not patentably distinct from each other because instantly claimed compounds are encompassed by [the] genus of the reference.”

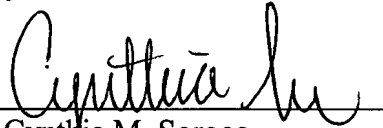
While in no way admitting that Claims 1-17 and 19-22 are obvious over claims 1-23 of U.S. Patent No. 6,531,479, upon allowance of the present application but for the obviousness type double patenting rejection, Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) and (c), which obviates the rejection.

SUMMARY

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephonic conference with Applicant's Attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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